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May 12, 2009

Good morning. I would like to thank Chairman Lindberg and the entire Labor Committee for allowing me this opportunity to testify. Once again, my name is Cynthia Ann Paul and I am the legislative Director for the Service Employees International Union (SEIU) here in Michigan. SEIU currently represents 80,000 workers and their families in Michigan and approximately 6,000 of them are head start employees and school employees, including employees in the Taylor, Flint, Saginaw and Muskegon schools. SEIU supports HB 4219, which will restore the right of non-instructional school employees to bargain over the issue of outsourcing and its impact.

Michigan's Public Relations Act (PERA) affords public sector employees the right to collectively bargain over matters of wages, hours, terms and conditions of employment. Public Act 112 enacted in 1994 made a number of changes to the Public Employee Relations Act (PERA) that adversely singled out public school employees, in particular, non-instructional school employees. One of the most extreme changes eliminated the ability of non-instructional school employees' to address concerns over the outsourcing of their jobs by making it a prohibited subject of bargaining. Under current law, the employees are not allowed to discuss the reasons the employer is seeking to outsource the work, nor are they able to propose their own resolutions to the district's problems, even if they may have creative alternative to save the school district money. Under the current law, these employees are even prohibited from bargaining over the impact of the decision to outsource their jobs; despite the devastating economic impact these decisions would have on the employees, their families and the entire community.

Secondly, there is no legal requirement that school districts must competitively bid for services, no matter how large a sum of money is involved.

Thirdly it is important to understand, that House Bill 4219 does not prohibit a school district from outsourcing the jobs of current employees to private "for profit" companies. It only provides that the local school districts will need to discuss the issue and its impact with the employees directly affected by the district's ultimate decision.

Based upon the above, I urge you to support of HB 4219 and restore fairness and common sense at the bargaining table for non-instructional school employees. Thank you for your attention to this critically important issue.



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Respectfully Submitted,

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MICHIGAN COUNCIL 25

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May 12, 2009

Mr. Chairman and Members of the Committee:

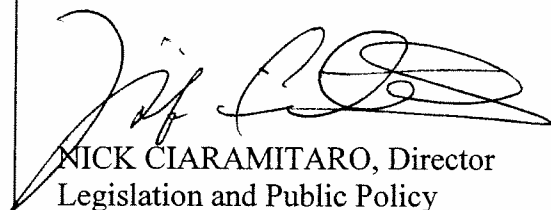
I apologize that I cannot be with you today to discuss in person the important bill before you, but I am attending an AFSCME International Legislative Conference in Washington, D.C.

Michigan AFSCME Council 25 strongly supports House Bill 4219 introduced by Representative Fred Miller. The bill would repeal the prohibition against collective bargaining on the subject of outsourcing of non-instructional school jobs.

Michigan effectively relegated non-instructional school employees to the position of second class citizens in 1994 with the adoption of Public Act 112. The movement toward outsourcing and privatization has exploded in recent years as a vain and ineffective cost -saving maneuver. While some school districts have obtained short term relief, many examples exist proving the higher cost and lower value of outsourced work. The counter-productive impact on Michigan's economy of outsourcing is indisputable. But this legislation does NOT prohibit all outsourcing. Rather, it would give non-instructional school employees the same right to negotiate the issue of job protection afforded to ALL other employees in the state of Michigan – public and private. That would allow those workers to demonstrate the efficiency of maintaining in-house delivery of these services in free and honest negotiations. The inefficiency of excluding by law one group of stakeholders from the discussion of such an important decision is both counter-productive and contrary to the concept of local control. House bill 4219 would return the discussion to the proper forum.

Michigan AFSCME commends Rep. Miller for reintroducing this amendment to the Public Employees Relations Act this session. We commend the Michigan House of Representatives for approving the same proposal last term and hope the Committee and the House will once again pass the legislation and give the Michigan Senate another opportunity to consider it. Thank you.

Sincerely,



NICK CIARAMITARO, Director
Legislation and Public Policy

NC/bes:iuoe547aflcio



Michigan Association of School Social Workers

TESTIMONY ON HOUSE BILL 4219

PRESENTED BY

THE MICHIGAN ASSOCIATION OF SCHOOL SOCIAL WORKERS

HOUSE LABOR COMMITTEE

MAY 13, 2009

The Michigan Association of School Social Workers (MASSW) expresses its appreciation to Representative Fred Miller for sponsoring and to House Labor Committee Chair Steven Lindberg for agreeing to take up HB 4219. MASSW represents roughly 950 school social workers in Michigan's school districts and intermediate school districts. Our members work to meet the needs of all children. They are a vital part of the instructional team helping children with social, emotional, and environmental problems including children dealing with grief over the death of a parent, with kids who are absent from school because they are being bullied, with students who have identified special education needs, and much more. The mission statement of MASSW speaks to helping our members meet "the needs of all children."

MASSW strongly supports HB 4219 because it restores the ability to problem solve to the people at the local level. School social workers are good at collaborative problem solving; it is what we do professionally every day.

When school districts consider outsourcing school social workers, we know that it is not because that is their first preference. School administrators at all levels would rather have someone who is on tap at all times for those emergencies that arise, whether that is the death of a fellow student or much-loved teacher, rumors of a "big fight" after the next football game, or a child who arrives at school without clothes for winter.

When district consider contracting out, it is because they are trying to stretch their dollars. What we want is to be part of the discussion of how districts can make their budgets fit their needs. Current law prohibits us from being able to have these discussions through those whom we have chosen to represent us, whether the members are part of AFT Michigan, MEA, or an independent organization. We cannot negotiate over "the decision of whether or not to contract with a third party" nor even "the impact of the contract on individual employees."

Our fellow social workers who are employed by other units of government—by counties, for example—are not prohibited from bargaining over contracting out their social work services. Why are schools employees singled out for this prohibition? We ask you to remove this prohibition and let school districts and their employees work out our problems at the local level.

Robert Miller, MSW, LMSW-CM

School Social Worker

President, Michigan Association of School Social Workers



MICHIGAN ASSOCIATION OF SCHOOL PSYCHOLOGISTS

Affiliated with National Association of School Psychologists

COMMENTS ON HB 4219 MICHIGAN ASSOCIATION OF SCHOOL PSYCHOLOGISTS May 13, 2009

The Michigan Association of School Psychologists strongly supports HB 4219, a bill to restore the ability of noninstructional support school employees to negotiate the decision regarding whether to contract out noninstructional support services. The Michigan Association of School Psychologists represents over 550 school psychologists who work for K-12 and intermediate school districts throughout the state, as well as the higher education faculty that trains future school psychologists.

Because school psychologists are not classroom teachers, they have always been concerned that school districts may interpret "noninstructional support services" as applying to the work that they do. School psychological services are pivotal to good instruction, including but not limited to the role that school psychologists play in instructional assessment and intervention design. However, because the Public Employee Relations Act (PERA) does not define "noninstructional support services" and our role is in support of instruction rather than in the delivery, we remain very concerned about the impact of the law.

HB 4219 does not prohibit the contracting out of noninstructional support services. Instead, it restores the requirement that it be negotiated with the employees that are affected. We recognize that the impetus for contracting out is generally economic; the district is proposing it to save money. Given that, we believe that we can be helpful in presenting alternative ways of saving that funding. Perhaps as "on the ground employees" we may see ways of economizing that would enable the district to maintain its experienced, committed school psychologists who already have long term established relationships with children, parents, and other school staff.

As school psychologists, we ask you to support HB 4219. This bill restores the decision to contract out to the local level, where it belongs. Let us help resolve economic issues at the school district level.

Thank you for considering our views on this issue.

PAUL ROBB, PRESIDENT
MICHIGAN ASSOCIATION OF SCHOOL PSYCHOLOGISTS